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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
GAGLIOSTRO, KEVIN M

ART UNIT	PAPER NUMBER
2615	

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/047,849	MELTON, GEROD C.
	Examiner	Art Unit	
	Kevin M. Gagliostro	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE **3** MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *1/15/2002*.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-19* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on *1/15/2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/15/2002*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for rejections under this section made in this office action:

> (b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-11, 15-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,995,936 to Brais et al.

Brais clearly shows all of the limitations cited in claim 1. See all material cited in the specification. Referring to claim 1, Brais describes a digital video device (or camera) (figure 1, item 104) comprising a processor (column 3, line 35), digital random-access memory (or RAM) communicating with said processor (column 8, lines 46-48). Brais also describes this digital video device comprising an edit tag library storing a plurality of edit tags which must comprise one of the reports generated within a storage means or video storage (column 5, lines 7-12) as these reports are comprised for the reviewing and editing of all collected information within (column 5, lines 17-20). Brais further describes these reports as storing digital video data (column 5, lines 43-47) comprising one or more video segments (or images, video clips, etc.) (column 5, lines10-12). Brais also describes this digital video data as comprising one or more embedded edit tags which are selected from said edit tag library and specify edit operations to be performed on said digital video data. Specifically, the specifying of edit operations to be performed is described as due to the reports generated, the system allows for the review and edit of the collected information (column 5, lines 10-20).

Brais clearly shows all of the limitations cited in claim 2. See all material cited in the specification. Referring to claim 2, Brais describes the digital video device of claim 1, further comprising a sound transducer (or speaker) receiving sound and generating an audio signal in response (column 7, lines 49-56). Brais further describes an audio processor communicating with said processor and said sound transducer. Specifically, Brais shows this as the embodiment of the computer (figure 1, item 102) being attached to the microphone (figure 1, item 106). Brais also describes the audio processor (part of computer 102) receiving said audio signal (from microphone 106), extracting one or more voice commands from said audio signal. Specifically, Brais describes the receiving of one or more voice commands as the step of recording the voice commentary and video/images and then digitizing the data (speech to text), which is then separated into either prose or commands (column 5, lines 43-50). From these commands Brais describes the extracting of one or more edit tags from said one or more voice commands,

which is explained as the spoken commands being converted into commands for control of the computer operations or for processing the data (editing data) (column 6, lines 8-12). Brais also describes one or more voice commands and said one or more edit tags, all of which originate from either recorded audio or images, are passed to said processor (column 3, lines 30-40).

Brais clearly shows all of the limitations cited in claim 3. See all material cited in the specification. Referring to claim 3, Brais describes the digital video device of claim 2, wherein said sound transducer (microphone) (figure 1, item 106), said audio processor, and said processor (both of which are considered a normal embodiment of a computer) (figure 1, item 102) are used to control operations of said digital video device (or camera) (figure 1, item 104) according to said voice commands (or verbal commands) (column 7, lines 7-26).

Brais clearly shows all of the limitations cited in claim 4. See all material cited in the specification. Referring to claim 4, Brais describes the digital video device of claim 2, wherein said sound transducer (microphone) (figure 1, item 106), said audio processor, and said processor (both of which are considered a normal embodiment of a computer) (figure 1, item 102) extract vocalized edit tags. Specifically Brais describes the extraction of vocalized edit tags as a speech to text system converting digitized voice into text and then separating it into either prose or commands (column 5, lines 48-50). Brais further describes embedding said edit tags in said digital video data stored in said video storage as stated in the compiling of a report (column 5, lines 48-58).

Brais clearly shows all of the limitations cited in claim 5. See all material cited in the specification. Referring to claim 5, Brais describes the digital video device of claim 1, further comprising a digital image sensor communicating with said processor and capable of generating digital video data, wherein said digital video device comprises a digital video recorder. First note that it is inherent, or commonly known to anyone of ordinary skill in the art, that a digital image sensor is included in the embodiment of a digital camera. With that in mind, Brais describes this as a digital camera or a video camera, both of which are image capture means, that are well known to those of skill in the art) (column 1, lines 57-63).

Brais clearly shows all of the limitations cited in claim 6. See all material cited in the specification. Referring to claim 6, Brais describes the digital video device of claim 1, further comprising a user interface capable of accepting user inputs, including accepting edit tag inputs, which in this case, is described as a computer (figure 1, item 102) and (column 2, lines 18-22).

Brais clearly shows all of the limitations cited in claim 7. See all material cited

in the specification. Referring to claim 7, Brais describes the digital video
device of claim 1, wherein said digital memory further includes a voice
command library storing a plurality of voice commands, and wherein a voice
sample is compared to said voice command library in order to recognize one
or more voice commands from said audio signal. Specifically, Brais describes
this while in command mode, where the speech is converted into text, and the
text is then compared with known commands. These known commands must
comprise that of a list of known commands, or explained as a voice command
library (figure 8) and (column 10, lines 38-46).

Brais clearly shows all of the limitations cited in claim 8. See all material cited
in the specification. Referring to claim 8, Brais describes the digital video
device of claim 1, wherein said digital memory further includes a label list
storage for storing all video segment labels of digital video data which is
stored in said video storage. Specifically, Brais describes this segment label
list as being part of one of the many possible reports generated within storage
means, specifically within a report comprising video clips or segments
(column 5, lines 7-12).

Brais clearly shows all of the limitations cited in claim 9. See all material cited
in the specification. Referring to claim 9 (similar to claim 1), Brais describes a
video edit method for a digital video device (or camera) (figure 1, item 104),
comprising the steps of: generating one or more edit tags; and embedding
said one or more edit tags, which must comprise one the reports generated
with digital video data stored in a digital memory or video storage (column 5,
lines 7-12); wherein said one or more edit tags delineate one or more edit
operations to be performed on one or more video segments (or images, video
clips, etc.) of said digital video data. Specifically, the specifying of edit
operations to be performed is described in the reports generated which allow
the system to review and edit the collected information (column 5, lines 10-
20).

Brais clearly shows all of the limitations cited in claim 10. See all material
cited in the specification. Referring to claim 10, Brais describes the method of
claim 9, wherein the generating and embedding steps occur when said digital
video device is in a video record mode. Specifically, Brais describes a digital
video device (digital camera) as being in video record mode as it is described
as recording an image (column 1, lines 57-63).

Brais clearly shows all of the limitations cited in claim 11. See all material
cited in the specification. Referring to claim 11, Brais describes the method of
claim 9, wherein the generating and embedding steps occur when said digital
video device is in a video review mode. Specifically Brais described this as
all text and images being formatted into an electronic report for the provision

of an output means that is otherwise considered a review mode (column 5, lines 32-42).

Brais clearly shows all of the limitations cited in claim 15. See all material cited in the specification. Referring to claim 15, Brais describes the method of claim 9, further comprising the steps of scanning said digital video data (or reports) (column 5, lines 43-47) for embedded edit tags and performing an edit operation specified by each found edit tag. Specifically, Brais describes performing an edit operation that is specified by each edit tag in an edit mode. Within this edit mode, specific commands for editing the digital video data, or reports, are scanned or searched for editing commands such as altering formatting, erasing data, moving data, inserting new data, etc. (figure 10) and (column 11, lines 57-67).

Brais clearly shows all of the limitations cited in claim 16. See all material cited in the specification. Referring to claim 16, Brais describes the method of claim 15, wherein the scanning and performing steps are iteratively performed for an entire length of said digital video data or reports (column 5, lines 43-47). Specifically, Brais describes the scanning or searching as being performed within the records, which by default must include the entire length of the report or digital video data (column 11, line 61).

Brais clearly shows all of the limitations cited in claim 17. See all material cited in the specification. Referring to claim 17 (similar to claim 9), Brais describes a video edit method for a digital video device (or camera) (figure 1, item 104), comprising the steps of: generating one or more edit tags; and embedding said one or more edit tags, which must comprise one the reports generated with digital video data stored in a digital memory or video storage (column 5, lines 7-12); wherein said one or more edit tags delineate one or more edit operations to be performed on one or more video segments (or images, video clips, etc.) of said digital video data. Specifically, the specifying of edit operations to be performed is described in the reports generated which allows the system to review and edit the collected information (column 5, lines 10-20). Brais further describes (similar to claim 15) the steps of scanning said digital video data (or reports) (column 5, lines 43-47) for embedded edit tags and performing an edit operation specified by each found edit tag. Specifically, Brais describes performing an edit operation that is specified by each edit tag in an edit mode. Within this edit mode, specific commands for editing the digital video data, or reports, are scanned or searched for editing commands such as altering formatting, erasing data, moving data, inserting new data, etc. (figure 10) and (column 11, lines 57-67).

Brais clearly shows all of the limitations cited in claim 19. See all material cited in the specification. Referring to claim 19 (similar to claim 16), Brais describes the method of claim 15, wherein the scanning and performing steps

are iteratively performed for an entire length of said digital video data or reports (column 5, lines 43-47). Specifically, Brais describes the scanning or searching as being performed within the records, which by default must include the entire length of the report or digital video data (column 11, line 61).

Claim Rejections - 35 USC § 103

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 103 that form the basis for rejections under this section made in this office action:

> (a) The invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claim 12-14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,995,936 to Brais et al. in view of U.S. Patent No. 6,671,567 to Dwyer et al.

Regarding claims 12 and 18, Brais describes the method of claims 9 and 18, but does not teach the methods wherein an embedded edit tag of said one or more edit tags comprises a digital symbol that represents a captured, vocalized edit tag. Dwyer describes a PC with a display (figure 1, item 18), which provides information concerning voice files of the portable recorder to which the user can invoke a request by selecting an icon (or symbol) displayed on the screen that is associated with the voice files (thus representing a vocalized edit tag) (column 8, lines 6-15). Therefore it would have been obvious to one of ordinary skill in the art to modify the system of Brais by providing the embedded edit tag (representing a captured, vocalized edit tag) to include the icon (or symbol) representing information concerning the voice files. One would have been motivated to combine the captured, vocalized edit tag of Brais to include the icon (symbol) associated with the voice file information of Dwyer in that it would benefit in the ease of use for the user to comprehend and view the information (Dwyer: column 8, lines 29-34).

Regarding claim 13, Brais describes the method of claim 9, further describing (similar to claim 7) a voice command library storing a plurality of voice commands wherein a voice sample is compared to said voice command library in order to recognize one or more voice commands from said audio signal. Also, while in command mode, the speech is converted into text and the text is then compared with known commands. These known commands comprise that of a list of known commands associated with the voice command library (figure 8) and (column 10, lines 38-46). However, Brais does not teach an embedded edit tag of said one or more edit tags comprises a digital symbol that represents a captured, vocalized edit tag. Dwyer

describes a PC with a display (figure 1, item 18), which provides information concerning voice files of the portable recorder to which the user can invoke a request by selecting an icon (or symbol) displayed on the screen that is associated with the voice files (thus representing a vocalized edit tag) (column 8, lines 6-15). Therefore it would have been obvious to one of ordinary skill in the art to modify the system of Brais by providing the embedded edit tag (representing a captured, vocalized edit tag) to include the icon (or symbol) representing information concerning the voice files. One would have been motivated to combine the captured, vocalized edit tag of Brais to include the icon (symbol) associated with the voice file information of Dwyer in that it would benefit in the ease of use for the user to comprehend and view the information (Dwyer: column 8, lines 29-34).

Regarding claim 14, Brais further describes the method of claim 13 as including the step of employing a recognized voice command to control an operation of said digital video device. Specifically, Brais describes a command mode in which spoken commands of the operator are converted into commands for control of the computer operations (figure 1, item 102), which in turn is used as a means for controlling the camera (figure 1, item 104) (column 6, line 10-13).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Gagliostro whose telephone number is 703-308-6070. The examiner can normally be reached on 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on 703-308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Gagliostro   01/3/2005

NGOC YEN VU
PRIMARY EXAMINER